

REMARKS

Claims 1-36 are pending in this application. By the present amendment the specification and claims 1, 5, and 24 are amended for clarity. In addition, claims 12-14 and 34-36 are hereby canceled without prejudice or disclaimer, and new claims 37-40 are hereby added. Support for the amendments to claims 1, 5, and 24 and new claims 37-40 are found in paragraphs 7, 21, 25 and 26 of the present divisional application. As the amendments and new claims add no new matter, applicant respectfully requests entry of the present amendment.

Compliance With CFR 1.821(a)-(d)

Applicants have added the nucleotide sequence for the mouse FGF1B promoter as provided in GenBank Accession No. U67609 to the sequence listing for the present application. The GenBank Accession Number of the mouse FGF1B promoter was disclosed on page 7 of the application, and was publicly available at the time the present application was filed. In compliance with CFR 1.821 (a)-(d) applicants are submitting herewith a paper copy of the sequence listing. A computer readable form (CFR) of the amended sequence listing was sent to the Patent Office along with the non-entered Response, mailed October 13, 2004, for the parent of the present application, namely US application No. Serial No.: 09/990,249. Applicant believes that a second copy of the CFR is not necessary. If this is not the case, please contact the undersigned at the phone number listed below. The paper copy and CFR are the same and add no new matter. In addition, Applicants have amended line 26 on page 7 of the instant specification to add the sequence identifier for the nucleotide sequence of the mouse FGF1B promoter as required by CFR 1.821 (a)-(d). As the amendment adds no new matter, applicant respectfully requests entry of the present amendment into the application.

Respectfully submitted,

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